

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

JOHN NOTTINGHAM,

Plaintiff,

v.

CITY OF INDIANAPOLIS, et al.,

Defendants.

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1:06-cv-637-SEB-VSS

ENTRY

I.

The clerk shall send the plaintiff a filed copy of the complaint and a filed copy of the plaintiff's request to proceed *in forma pauperis*.

II.

The plaintiff's request to proceed *in forma pauperis* is **denied and this action is dismissed**. The reasons for this disposition are the following:

1. Pursuant to 28 U.S.C. § 1915(e)(2)(B), a court shall dismiss a case at any time if the court determines that the action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

2. The claim against the City of Indianapolis is identical to the claim found legally insufficient in No. 1:06-cv-575-SEB-VSS and is dismissed for the same reason. As to the claims against the remaining defendants, National City Bank, Lee Slade, and Kevin Dubbink, there is no allegation that these defendants acted under "color of state law" (such as would be required to support a claim pursuant to 42 U.S.C. § 1983), there is no other stated or discernible basis for the existence of a "federal question" (such as would be required to support this court's jurisdiction under 28 U.S.C. § 1331), and there is no allegation of diversity of citizenship or of the required minimum \$75,000.00 in controversy (such as would be required to support the exercise of this court's diversity jurisdiction).

3. In short, the complaint fails to state a viable claim against any defendant, and hence must be dismissed at this early point regardless of the plaintiff's financial circumstances.

Judgment consistent with this Entry shall now issue.

**IT IS SO ORDERED.**

Date: 04/24/2006



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana